

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

FREDERICK LASOTA and RYAN HOMES, INC.,)
)
Appellants,)
)
v.) 2:08 - CV - 1033
)
HELENE MASSOF,)
)
Appellee.)

MOTION TO WITHDRAW APPEAL

Appellants Frederick LaSota and Ryan Homes, Inc., by their attorneys, file this Motion to Dismiss Appeal pursuant to Bankruptcy Rule 8001(c)(2), and respectfully represent:

1. On May 5, 2008, in its Memorandum Opinion and Order entered in Adversary Proceeding No. 06-2280BM, the Bankruptcy Court concluded that Frederick LaSota and Ryan Homes, Inc.,¹ (the “Appellants”) knowingly acted in concert with Alfred G. Lages and Deborah S. Mazzie-Lages (the “Lages”) to create a pretext for the Lages’ refusal to pay a real estate commission to Appellee Helene Massof (“Appellee”).
2. On May 7, 2008, Appellants timely filed their Notice of Appeal from the May 5, 2008 Memorandum Opinion and Order.
3. The Lages did not file an appeal from the May 5, 2008 Memorandum Opinion and Order.
4. On July 23, 2008, the Appellants’ Notice of Appeal was docketed with this Honorable Court.

¹ Ryan Homes, Inc. does not exist as a legal entity. “Ryan Homes” is a trade name for NVR, Inc. For the purpose of this Motion, NVR, Inc. will be referred to as “Ryan Homes”.

5. Appellants and Appellee have entered into a Settlement Agreement and Mutual Release.

6. Pursuant to the terms of the parties' Settlement Agreement and Mutual Release, Appellants wish to dismiss their appeal with prejudice.

WHEREFORE, Appellants Frederick LaSota and Ryan Homes, Inc. move this Honorable Court to dismiss the referenced appeal with prejudice.

Respectfully submitted,

Dated: August 4, 2008



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CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Motion to Dismiss Appeal was served on the following counsel, by first class mail, postage prepaid, this 4th day of August, 2008:

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